

**SUMMARIES OF GOVERNMENT OPERATIONS-RELATED BILLS
PASSED DURING THE 2010 GENERAL SESSION**

1st Sub. H.B. 1 Minimum School Program Base Budget *(Rep. M. Newbold)*

This bill provides base funding for the Minimum School Program.

This bill:

- ▶ appropriates state and local funds for the Minimum School Program for fiscal year 2010-11;
- ▶ appropriates \$22,049,700 to the State Board of Education for fiscal year 2010-11 for school building aid programs for school districts;
- ▶ establishes the value of the weighted pupil unit at \$2,487 for fiscal year 2010-11;
- ▶ establishes the estimated minimum basic tax rate at .001513 for fiscal year 2010-11;
- ▶ provides that if monies appropriated to charter schools to replace local property taxes are less than the amount prescribed by a statutory funding formula, monies shall be allocated among charter schools in proportion to each charter school's share of the total enrollment in charter schools;
- ▶ provides that if monies appropriated for charter school administrative costs are insufficient to provide the amount per student prescribed in statute, the appropriation shall be allocated among charter schools in proportion to each charter school's share of the total enrollment in charter schools;
- ▶ provides certain exemptions to the Budgetary Procedures Act for monies appropriated to the State Board of Education for the Minimum School Program or capital outlay programs; and
- ▶ makes technical amendments.

H.B. 2 Fiscal Year 2010 and Fiscal Year 2011 Supplemental Appropriations *(Rep. R. Bigelow)*

This bill supplements or reduces appropriations previously provided for the use and support of state government for the fiscal years beginning July 1, 2009 and ending June 30, 2010 and beginning July 1, 2010 and ending June 30, 2011.

This bill:

- ▶ provides appropriations for the use and support of certain state agencies;
- ▶ provides appropriations for the use and support of certain institutions of higher education;
- ▶ provides appropriations for other purposes as described;
- ▶ provides intent language;
- ▶ approves employment levels for internal service funds;
- ▶ approves capital acquisition amounts for internal service funds;
- ▶ authorizes rates and fees.

H.B. 3 Appropriations Adjustments *(Rep. R. Bigelow)*

This bill supplements or reduces appropriations previously provided for the use and support of state government for the fiscal years beginning July 1, 2009 and ending June 30, 2010 and beginning July 1, 2010 and ending June 30, 2011.

This bill:

- ▶ provides budget increases and decreases for the use and support of certain state agencies;
- ▶ provides budget increases and decreases for the use and support of certain institutions of higher education;
- ▶ provides funds for the bills with fiscal impact passed in the 2010 General Session;
- ▶ provides budget increases and decreases for other purposes as described;
- ▶ approves capital acquisition amounts for internal service funds;
- ▶ authorizes rates and fees;
- ▶ provides intent language.

H.B. 4 Current School Year Supplemental Minimum School Program Budget Adjustments

(Rep. M. Newbold)

This bill modifies funding for the Minimum School Program.

This bill:

- ▶ modifies funding for the Minimum School Program in fiscal year 2009-10 as follows:
 - increases funding for educator salary adjustments, the state-supported voted leeway program, and the state-supported board leeway program; and
 - reduces funding for Social Security and retirement.

3rd Sub. H.B. 5 Revenue Bond and Capital Facilities Authorizations *(Rep. S. Clark)*

This bill authorizes certain state agencies and higher education institutions to issue revenue bonds, to build capital facilities using agency, institutional, or donated funds, to sell, lease, or dispose of property, or to use donations to prepare preliminary proposals.

This bill:

- ▶ authorizes the issuance of revenue bonds by the State Board of Regents;
- ▶ authorizes other capital facility design and construction to be funded from agency, institutional, or donated funds;
- ▶ authorizes the University of Utah to use donations to prepare preliminary plans for a dental school, subject to certain restrictions; and
- ▶ authorizes the sale, lease, or disposal of certain state real property and certain interests in real property.

H.B. 6 State Agency Compensation Appropriations *(Rep. B. Dee)*

This bill supplements or reduces appropriations previously provided for the use and operation of state government. The bill funds compensation changes for state employees for the fiscal years beginning July 1, 2009 and ending June 30, 2010 and beginning July 1, 2010 and ending June 30, 2011.

This bill:

- ▶ provides funding for an increase in the cost of health insurance for certain state employees;
- ▶ provides funding for an increase in the cost of retirement for certain state employees;
- ▶ provides funding for an increase in the cost of Unemployment Insurance; and,
- ▶ adjusts funding for changes in required contributions for Other Post Employment Benefits.

* **H.B. 27 Per Diem and Travel Expense Modifications** *(Rep. C. Frank)*

This bill modifies per diem and travel expense language used for boards, commissions, councils, and committees.

This bill:

- ▶ replaces language used to describe per diem and travel expenses for members of boards, commissions, councils, and committees with standardized language referencing primary provisions for per diem and travel expenses; and
- ▶ makes technical changes.

* **H.B. 44 Referendum Ballot Proposition Amendments** *(Rep. F. Hunsaker)*

This bill modifies the Election Code to amend the manner in which a ballot proposition is worded for a statewide or local referendum.

This bill:

- ▶ clarifies that the definition of "referendum" is a process to submit or refer a certain law to voters for their final approval or rejection;
- ▶ provides that a vote "for" on a referendum question means the voter is in favor of the law taking effect;
- ▶ provides that a vote "against" on a referendum question means the voter is against the law taking effect; and
- ▶ makes technical changes.

* **H.B. 59 Campaign Finance Revisions** *(Rep. K. Grover)*

This bill modifies Title 20A, Chapter 11, Campaign and Financial Reporting Requirements by amending certain reporting periods.

This bill:

- ▶ provides that all expenditures made by a corporation and a political issues committee must be reported as of five days instead of three days before the required filing date of the financial statement; and
- ▶ makes technical amendments.

H.B. 109 Volunteer Government Workers Act Definitions *(Rep. J. Biskupski)*

This bill modifies the Volunteer Government Workers Act by amending the definition of "compensatory service worker."

This bill:

- ▶ amends the definition of the compensatory service worker to include a person who is performing public service as a condition, or as part of, incarceration, a plea, or sentencing; and
- ▶ makes technical changes.

H.B. 112 Supreme Court Review of an Initiative or Referendum *(Rep. B. Dee)*

This bill amends provisions that establish time requirements for the Supreme Court to review an issue related to an initiative or referendum.

This bill:

- ▶ deletes certain statutory time requirements for the Supreme Court to review initiative and referendum issues;

- ▶ amends statutory time requirements for the governor and a local legislative body; and
- ▶ authorizes the Supreme Court to refer certain fiscal impact estimate issues to a master for examination and a report.

2nd Sub. H.B. 124 Campaign Funds Expenditure Restrictions *(Rep. T. Cosgrove)*

This bill modifies the Campaign and Financial Reporting Requirements by amending provisions related to personal use of campaign monies.

This bill:

- ▶ defines "personal use expenditure" and provides a list of authorized and prohibited uses of campaign funds;
- ▶ provides for enforcement and assessment of administrative penalties by the lieutenant governor;
- ▶ prohibits a candidate or an officeholder from using campaign contributions for a personal use expenditure; and
- ▶ makes technical changes.

2nd Sub. H.B. 139 Emergency and Disaster Management Amendments *(Rep. C. Oda)*

This bill amends the Disaster Recovery Funding Act, the Disaster Response and Recovery Act, and related provisions to address the expenditure of monies relating to a declared disaster, the governor's powers during a state of emergency, and related reporting requirements to the Legislative Management Committee or the Executive Appropriations Committee.

This bill:

- ▶ modifies definitions;
- ▶ increases the monies that the Division of Homeland Security may expend from the State Disaster Recovery Restricted Account to address costs to the state of emergency disaster services in response to a declared disaster;
- ▶ provides that the monies that the Division of Homeland Security may expend from the State Disaster Recovery Restricted Account are subject to appropriation by the Legislature;
- ▶ repeals obsolete language;
- ▶ addresses the governor's powers during a state of emergency including:
 - suspending or modifying a statute or administrative rule or suspending the enforcement of a statute during a state of emergency under certain circumstances;
 - repealing a requirement that the president of the United States declare an emergency or major disaster before the governor may exercise certain powers;
 - addressing the removal of debris or wreckage; and
 - declaring a state of emergency;
- ▶ requires certain reports to the Legislative Management Committee or the Executive Appropriations Committee; and
- ▶ makes technical and conforming changes.

2nd Sub. H.B. 140 Human Resource Management Amendments *(Rep. B. Dee)*

This bill modifies the Utah State Personnel Management Act by amending state employee compensation pay plan provisions and employee grievance procedures and by replacing the Career Service Review Board.

This bill:

- ▶ amends certain definitions;
- ▶ amends vacant position report provisions for the Department of Human Resource Management's executive director;
- ▶ repeals a requirement that an agency obtain field office approval for appointments to vacant positions;
- ▶ adds the attorney general or designee to the human resource management rate committee;
- ▶ requires that costs incurred by the attorney general to defend state employee grievances be submitted to the rate committee in the proposed fee schedule;
- ▶ repeals steps within pay ranges for state career service employees in the state employee compensation plans;
- ▶ repeals provisions requiring the most recently earned sick leave to be used first;
- ▶ provides that continuing medical and life insurance benefits provided at the time of retirement:
 - may not be suspended or deferred for future use; and
 - continues in effect until exhausted;
- ▶ prohibits an employer participating in certain benefit programs from providing certain benefits to a person reemployed after retirement;
- ▶ amends and consolidates classification schedules for state employees;
- ▶ amends provisions for salary increases based on employee longevity and promotion;
- ▶ replaces the Career Service Review Board with the Career Service Review Office and provides that the office is the final administrative body to review certain employee grievances;
- ▶ provides for the appointment, qualifications, powers, and duties of the administrator of the office;
- ▶ provides that the administrator has rulemaking authority;
- ▶ amends employee grievance procedures;
- ▶ amends the burden of proof for certain grievances;
- ▶ prohibits an employee from making certain dispositive motions and certain motions for discovery in a formal adjudicative proceeding on a grievance; and
- ▶ makes technical changes.

H.B. 143 Eminent Domain Authority *(Rep. C. Herrod)*

This bill authorizes the state to exercise eminent domain authority on property possessed by the federal government unless the property was acquired by the federal government with the consent of the Legislature and in accordance with the United States Constitution Article I, Section 8, Clause 17.

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- ▶ authorizes the state to exercise eminent domain authority on property possessed by the federal government unless the property was acquired by the federal government with

the consent of the Legislature and in accordance with the United States Constitution Article I, Section 8, Clause 17.

1st Sub. H.B. 234 Opting Out of the Real Id Act *(Rep. S. Sandstrom)*

This bill modifies the Uniform Driver License Act by amending provisions relating to the federal REAL ID Act of 2005.

This bill:

- ▶ provides legislative findings regarding the federal REAL ID Act of 2005;
- ▶ prohibits the state from participating in the implementation of the REAL ID Act of 2005;
- ▶ prohibits the Driver License Division from implementing the provisions of the REAL ID Act of 2005;
- ▶ requires the Driver License Division to report to the governor any attempts to implement the provisions of the REAL ID Act of 2005; and
- ▶ provides that the Driver License Division may comply with provisions of the REAL ID Act that are already:
 - adopted by administrative rule; or
 - authorized under this code.

H.B. 248 Government Records Amendments *(Rep. J. Anderson)*

This bill changes the name of the Archives and Records Service chapter and modifies government records provisions.

This bill:

- ▶ renames the Archives and Records Service chapter to the Public Records Management Act;
- ▶ adopts definitions from Government Records Access and Management Act; and
- ▶ makes technical changes.

H.B. 254 Voter Identification Amendments *(Rep. B. Daw)*

This bill modifies the Election Code by amending the definition of valid voter identification.

This bill:

- ▶ clarifies that each of the following forms of personal identification is valid voter identification by itself:
 - a currently valid United States military identification card;
 - a Bureau of Indian Affairs card; or
 - a tribal treaty card; and
- ▶ makes technical changes.

H.B. 258 Voting Precinct Boundaries *(Rep. K. Sumsion)*

This bill limits changes to voting precincts during the time period before and after the United States decennial census.

This bill:

- ▶ prohibits a county legislative body from changing voting precincts between January 1 of a year immediately preceding a census year and the day on which the Legislature divides the state into districts based on the new census information; and
- ▶ makes technical changes.

H.B. 262 Reporting to Appropriation Committees *(Rep. R. Bigelow)*

This bill modifies provisions related to reporting to the Executive Appropriations Committee or an appropriations subcommittee designated by the Executive Appropriations Committee to provide for more reports being made to appropriations subcommittees or interim committees. This bill:

- ▶ modifies reporting requirements; and
- ▶ makes technical changes.

1st Sub. H.B. 267 Lobbyist Disclosure and Regulation Act Amendments *(Rep. K. Garn)*

This bill amends the Lobbyist Disclosure and Regulation Act related to an expenditure by a lobbyist, principal, or government officer for the benefit of a public official.

This bill:

- ▶ requires the disclosure of an expenditure or aggregate daily expenditure greater than \$10;
- ▶ prohibits a lobbyist, principal, or government officer from making an expenditure greater than \$10, except for food, a beverage, travel, lodging, or attendance at a meeting or activity;
- ▶ repeals and amends definitions, including the definition of expenditure to exclude certain items or items under certain circumstances;
- ▶ amends the information a lobbyist files when registering;
- ▶ changes a lobbyist's filing fee from \$25 to \$100;
- ▶ requires a person to file a report electronically by the close of regular office hours;
- ▶ repeals a section establishing different reporting schedules; and
- ▶ makes technical changes.

1st Sub. H.B. 270 Financial Disclosure and Conflict of Interest Amendments *(Rep. G. Hughes)*

This bill modifies and enacts provisions of the Utah Code that relate to financial disclosures and the declaration of conflicts of interest by certain public officeholders and candidates.

This bill:

- ▶ requires candidates for the following offices to file a financial disclosure at the time of filing a declaration of candidacy:
 - governor, lieutenant governor, state auditor, state treasurer, and attorney general;
 - the Legislature; and
 - the State Board of Education;
- ▶ prohibits a filing officer from accepting a declaration of candidacy unless a financial disclosure has been filed;
- ▶ provides procedures and requirements for filing financial disclosures;
- ▶ requires a candidate's financial disclosure to be made publicly available:
 - at the filing officer's place of business; and
 - on the Statewide Electronic Voter Information Website administered by the lieutenant governor;
- ▶ modifies provisions of the criminal statute that regulates failure to disclose conflicts of interest;
- ▶ provides and modifies definitions;
- ▶ requires the following officeholders to file a financial disclosure at specified times:

- governor, lieutenant governor, state auditor, state treasurer, and attorney general;
- members of the Legislature; and
- members of the State Board of Education;
- ▶ specifies what information the financial disclosure must contain;
- ▶ provides a criminal penalty if a regulated officeholder engages in an official action that constitutes a conflict of interest if:
 - the conflict of interest has not been provided on the financial disclosure; and
 - the officeholder fails to publicly declare a conflict of interest at the time of the action;
- ▶ requires conflicts of interest that are declared at the time of the action to be recorded on official records;
- ▶ requires blank financial disclosure forms to be available for regulated officeholders and the public;
- ▶ requires financial disclosures that are filed by officeholders to be made available:
 - on the Internet;
 - at the lieutenant governor's office, for executive branch officeholders; and
 - at the offices for the Senate or House of Representatives, for legislators; and
- ▶ makes technical changes.

H.B. 274 Statutory Construction Compliance Amendments *(Rep. R. Lockhart)*

This bill amends provisions of Titles 3 through 16 of the Utah Code by correcting terms to comply with rules of statutory construction applicable to the Utah Code.

This bill:

- ▶ amends provisions of Titles 3 through 16 of the Utah Code by correcting terms to comply with rules of statutory construction applicable to the Utah Code; and
- ▶ makes technical changes.

2nd Sub. H.B. 278 Government Records Access and Management Act Amendments *(Rep. C. Herrod)*

This bill modifies provisions in the Government Records Access and Management Act.

This bill:

- ▶ requires a record to be produced in an electronic format upon request if the governmental entity currently maintains the record in an electronic format, subject to certain restrictions;
- ▶ provides a five business day deadline for a governmental entity to inform a person who requests an expedited response that the governmental entity has determined that the request does not qualify for an expedited response;
- ▶ modifies and clarifies language dealing with requirements for initial responses to records requests; and
- ▶ makes technical changes.

1st Sub. H.B. 287 Legislator Salary Amendments *(Rep. D. Litvack)*

This bill modifies provisions in the legislative title of the Utah Code that govern legislators' daily pay.

This bill:

- ▶ unless certain contingencies occur, maintains legislators' daily pay at \$117 through the 2011 calendar year, for:
 - annual general sessions;
 - veto-override sessions;
 - special sessions; and
 - authorized legislative meetings;
- ▶ authorizes the Legislative Compensation Commission to issue more than one report in an even-numbered year;
- ▶ clarifies the factors that the commission may consider, recommend, and include in its report; and
- ▶ makes technical changes.

1st Sub. H.B. 304 Lieutenant Governor Amendments *(Rep. E. Hutchings)*

This bill enacts a provision relating to the duties of the lieutenant governor.

This bill:

- ▶ prohibits the lieutenant governor from certifying a document in certain circumstances.

H.B. 315 Utah Public Notice Website Amendments *(Rep. K. Powell)*

This bill modifies a provision relating to the Utah Public Notice Website.

This bill:

- ▶ modifies statutory requirements to publish or post notice to the Utah Public Notice Website to provide a temporary exemption for specified public bodies with an annual budget of less than \$1,000,000.

H.B. 318 Revolving Loan Fund for Certain Energy Efficient Projects Amendments *(Rep. R. Barrus)*

This bill expands a revolving loan fund known as the Energy Efficiency Fund to include political subdivisions.

This bill:

- ▶ defines terms;
- ▶ allows the Energy Efficiency Fund to be used for energy efficiency projects in buildings owned by political subdivisions, including school districts;
- ▶ permits the Board of the Utah Geological Survey to make rules establishing eligibility and prioritization criteria for disbursing monies from the fund;
- ▶ grants the board other powers and directions to make loans from the fund; and
- ▶ makes technical changes.

1st Sub. H.B. 321 Bond Election Notification Revisions *(Rep. G. Hughes)*

This bill modifies notice and ballot requirements for bond elections.

This bill:

- ▶ requires a voter information pamphlet to be prepared for certain bond elections and mailed to all households containing a registered voter who is eligible to vote on the bonds;
- ▶ requires additional information to be provided in a voter information pamphlet prepared for a bond election;
- ▶ changes ballot notification requirements by:

- requiring additional information to be provided on the ballot;
 - deleting a provision requiring the type of bond to be identified on the ballot; and
 - deleting a provision requiring notification of payment sources if the bond is payable from tax proceeds and operating revenues; and
- makes technical changes.

1st Sub. H.B. 324 Public Lands Litigation *(Rep. K. Sumsion)*

This bill amends and enacts provisions related to actions filed by the attorney general on property possessed by the federal government and the appropriation of funds for those actions.

This bill:

- appropriates money from the Land Exchange Distribution Account to the Constitutional Defense Restricted Account for legal services and just compensation for property taken;
- directs the attorney general to file certain eminent domain or quiet title actions on property possessed by the federal government;
- authorizes the attorney general to file an action to enforce a section of the Utah Enabling Act; and
- makes technical changes.

7th Sub. H.B. 329 Campaign Finance Amendments *(Rep. B. Ferry)*

This bill amends provisions in Title 20A, Chapter 11, Campaign and Financial Reporting Requirements and Title 20A, Chapter 12, Selection and Election of Judges.

This bill:

- enacts, amends, and repeals definitions;
- requires a filing entity to electronically file a financial statement;
- requires the lieutenant governor to post a financial statement online in a searchable format within three business days;
- requires checks that have been negotiated to be reported in an interim or summary report;
- requires a person sponsoring certain electioneering communications to file a report;
- repeals a provision requiring a political action committee or political issues committee to disclose the occupation of a person who makes a contribution;
- establishes additional filing deadlines for some filing entities;
- requires a corporation to disclose certain contracts with the state;
- prohibits making a campaign contribution in another's name;
- establishes reporting requirements for labor organizations;
- imposes a fine for failure to file a timely financial statement; and
- makes technical changes.

H.B. 353 Nonlapsing Dedicated Credit Amendments *(Rep. R. Bigelow)*

This bill makes modifications to the Budgetary Procedures Act and eliminates certain nonlapsing dedicated credits.

This bill:

- ▶ provides that certain dedicated credits that were classified as nonlapsing are now subject to lapsing requirements;
- ▶ clarifies that, unless otherwise specifically provided, revenues in a restricted account or fund do not lapse to another account or fund unless otherwise specifically provided for by law or legislative appropriation;
- ▶ removes the modified dedicated credits from the list of nonlapsing funds and accounts in the Budgetary Procedures Act;
- ▶ makes technical cross-reference corrections; and
- ▶ makes technical changes.

H.B. 363 Municipal Election Amendments *(Rep. C. Frank)*

This bill modifies the Election Code by amending provisions for early voting for certain municipalities.

This bill:

- ▶ allows rather than requires a municipality of the fifth class or a town to provide early voting for a municipal primary election or a municipal general election; and
- ▶ makes technical changes.

H.B. 402 Department of Administrative Services Modifications *(Rep. S. Clark)*

This bill amends the Utah Administrative Services Code and the Division of Administrative Rules part to address operating a division within the Department of Administrative Services as an internal service fund agency.

This bill:

- ▶ provides that subject to certain limitations the Department of Administrative Services may operate a division within the department, except for the Office of State Debt Collection, as an internal service fund agency;
- ▶ provides that a division that manages an internal service fund shall submit to the Rate Committee:
 - a proposed rate and fee schedule for certain services rendered by the division; and
 - other information or analysis requested by the Rate Committee; and
- ▶ makes technical and conforming changes.

1st Sub. H.B. 425 Budgetary Procedures Act - Fee Amendments *(Rep. R. Bigelow)*

This bill modifies provisions of the Budgetary Procedures Act that address fees.

This bill:

- ▶ provides definitions;
- ▶ makes technical and organizational modifications;
- ▶ clarifies that a fee agency may not create, change, or collect a fee that has not been established according to the requirements of the fee provisions of the act;
- ▶ clarifies that each fee agency shall submit its fee schedule and special assessment amounts to the Legislature for approval on an annual basis;
- ▶ exempts certain fees that involve financial processing charges that are assessed by a non-governmental third party from the requirement that fees be pre-approved by the Legislature;
- ▶ modifies procedures that are required for fee changes; and
- ▶ makes technical changes.

H.C.R. 13 Concurrent Resolution on Providing Continuing Federal Financial Assistance for the Delivery of Basic Services to Dutch John, Utah *(Rep. M. Brown)*

This concurrent resolution of the Legislature and the Governor urges the United States Government and the Secretary of the Interior to provide continued financial assistance to defray the costs of administration and basic community services for residents of Dutch John, Utah.

This resolution:

- ▶ urges the United States Government and the Secretary of the Interior to provide continued financial assistance of \$500,000 per year for 15 years to Daggett County to defray the costs of administration and basic community services for the residents of Dutch John, Utah.

H.J.R. 14 Joint Rules Resolution on Financial Disclosures *(Rep. G. Hughes)*

This resolution modifies provisions of the Legislative Joint Rules relating to the declaration and disclosure of conflicts of interest and filing financial disclosures.

This resolution:

- ▶ modifies and creates definitions;
- ▶ requires each legislator to file a financial disclosure form;
- ▶ provides filing deadlines and requirements for the form;
- ▶ specifies the content of the form;
- ▶ requires the form to be made available on the Internet and in legislative offices; and
- ▶ makes technical changes.

H.J.R. 15 Joint Resolution on Legislative Ethics Commission *(Rep. D. Clark)*

This joint resolution of the Legislature proposes to amend the Utah Constitution to establish a legislative ethics commission.

This resolution proposes to amend the Utah Constitution to:

- ▶ establish a legislative ethics commission and define its authority; and
- ▶ authorize the Legislature to provide by rule for complaint filing procedures and requirements, for the qualifications, appointment, and terms of commission members, and for commission duties, powers, operations, and procedures.

H.J.R. 19 Joint Resolution Approving Reappointment of Legislative Auditor General *(Rep. D. Clark)*

This joint resolution of the Legislature reappoints John M. Schaff as Legislative Auditor General.

This resolution:

- ▶ reappoints John M. Schaff as Legislative Auditor General for a six-year term beginning November 9, 2010.

1st Sub. H.J.R. 30 War Veterans' Memorial on Capitol Hill Joint Resolution *(Rep. R. Chavez-Houck)*

This joint resolution of the Legislature expresses support for efforts to create a monument at the Utah State Capitol Complex to honor war veterans whose suffering continued after their military service.

This resolution:

- ▶ expresses support for the creation of a memorial on the Utah State Capitol Complex grounds for veterans of foreign wars who have suffered and died from war-related injuries received during their military service; and
- ▶ expresses support for the memorial as a fitting tribute to those whose sacrifices continued after their military service.

H.J.R. 31 House Joint Rules Legislative Review Note Procedures Amendments *(Rep. B. Ferry)*

This resolution modifies procedures governing legislative review notes.

This resolution:

- ▶ requires the legislative general counsel to place an amended legislative review note on a bill or resolution when an amendment or a substitute substantively changes the legislation's constitutionality.

H.J.R. 32 Joint Resolution Approving the Pelt Case Final Settlement Agreement *(Rep. D. Clark)*

This resolution approves the final settlement agreement in the Pelt case.

This resolution:

- ▶ approves the final settlement agreement in the Pelt v. State of Utah case.

H.R. 9 Speaker's Powers Amendments *(Rep. K. Garn)*

This resolution enacts a rule providing for the approval of a meeting or activity.

This resolution:

- ▶ defines a term;
- ▶ authorizes the Speaker to approve certain meetings or activities that are not expenditures under Title 36, Chapter 11, Lobbyist Disclosure and Regulation Act;
- ▶ requires a Representative to submit a written request for approval; and
- ▶ requires the posting of the written request and approval on the House's website within two business days.

*** S.B. 18 Election Modifications** *(Sen. P. Knudson)*

This bill modifies Title 20A, Election Code.

This bill:

- ▶ amends the deadline for filing certain declarations of candidacy, nomination petitions, and certificate of nomination from 5 p.m. to the close of normal office hours;
- ▶ defines "date of the election";
- ▶ requires the consent of the Senate for the governor to fill a vacancy in the office of lieutenant governor;
- ▶ amends the voter registration form to clarify that only a Utah Driver License or Utah Identification Card Number may be used on the form;
- ▶ allows a county clerk to transfer voter registration forms that have been superseded to the Division of Archives and Records Service;
- ▶ allows a voter to present valid voter identification to either the county clerk or to an election officer who is administering the election, if the voter presented unsatisfactory voter identification to a poll worker when voting;
- ▶ amends the provisions for being "legally entitled to vote" by amending the time period from "five business days" to the close of normal office hours on Monday for a voter to

- present valid voter identification to the county clerk after the election if the voter presented unsatisfactory voter identification to a poll worker when voting;
- ▶ amends the period for the board of municipal canvassers to meet after the election to canvass the returns for a municipal primary election from between three and seven days to between seven and 14 days after the election;
- ▶ clarifies that a local district or school district must contract with, rather than designate, the county clerk, municipal clerk, or both, to serve as the election officer to administer a bond election for those portions of the local political subdivision in which no other election, other than a voted leeway or bond election, is being held;
- ▶ clarifies the definition of "legislative office candidate," "filing entity," and "reporting entity"; and
- ▶ makes technical amendments.

**** 4th Sub. S.B. 22 Notary Public Amendments** *(Sen. P. Knudson)*

This bill modifies the Notaries Public Reform Act.

This bill:

- ▶ authorizes a notary to complete a certificate that includes the name and date of the person whose signature is being certified;
- ▶ authorizes a person licensed to practice law in this state to perform a notarial act;
- ▶ authorizes the lieutenant governor to report a violation to the Utah State Bar;
- ▶ repeals provisions relating to a written examination for a notary;
- ▶ requires the lieutenant governor to provide an applicant with a copy of the law governing a notary and answers to frequently asked questions;
- ▶ requires an applicant to sign a statement that the applicant has read certain information; and
- ▶ makes technical changes.

S.B. 33 State Capitol Preservation Board Fee Amendments *(Sen. M. Madsen)*

This bill amends the State Capitol Preservation Board fee schedule for the current fiscal year.

This bill:

- ▶ establishes rental rates for State Capitol facilities during the 2010 General Session of the Utah State Legislature.

2nd Sub. S.B. 48 Nonlapsing Authority Technical Amendments *(Sen. R. Okerlund)*

This bill modifies the Budgetary Procedures Act to reorganize the list of nonlapsing funds.

This bill:

- ▶ makes technical and organizational modifications to the Budgetary Procedures Act's list of nonlapsing funds; and
- ▶ deletes references to nonlapsing funds that have been repealed in previous legislation.

S.B. 53 Voter Challenge Revisions *(Sen. P. Knudson)*

This bill modifies provisions in the Election Code relating to the procedures for challenging a person's eligibility to vote.

This bill:

- ▶ provides the grounds upon which a person's right to vote in an election may be challenged during or before an election;

- ▶ requires that written challenges to a person's right to vote in an election be filed in advance of the election and provides procedures for filing and resolving the challenges before the date of the election;
- ▶ requires the election officer to notify each person whose right to vote in the election has been challenged in writing and permits the person who has been challenged to provide information in response to the challenge;
- ▶ requires that written challenges be submitted under oath and be subject to criminal penalties for false statements;
- ▶ provides that an election officer's determination regarding a challenge to a person's right to vote is subject to judicial appeal;
- ▶ requires all documents filed in relation to a written challenge to be public records;
- ▶ provides requirements for challenging a person's right to vote at the polling place; and
- ▶ makes technical changes.

1st Sub. S.B. 60 Search and Rescue Funding *(Sen. R. Okerlund)*

This bill modifies the Search and Rescue Financial Assistance Program regarding definitions and a cross reference.

This bill:

- ▶ revises definitions and adds a cross reference.

2nd Sub. S.B. 81 Eminent Domain Amendments *(Sen. L. Hillyard)*

This bill amends provisions relating to a settlement offer and litigation expenses in an eminent domain action.

This bill:

- ▶ defines terms;
- ▶ creates a time line for a defendant or a plaintiff to file a settlement offer;
- ▶ sets requirements for a settlement offer;
- ▶ authorizes the court to, under certain circumstances, award litigation expenses; and
- ▶ makes technical corrections.

3rd Sub. S.B. 119 Special Elections Modifications *(Sen. H. Stephenson)*

This bill provides certain limitations on local special elections called by a local political subdivision.

This bill:

- ▶ prohibits a local political subdivision from holding a local special election for a bond, levy, leeway, or sales tax issue without at least two-thirds of all members of the local legislative body calling the local special election; and
- ▶ makes technical changes.

S.B. 122 Eminent Domain Revisions *(Sen. J. S. Adams)*

This bill amends provisions relating to the right to exercise eminent domain.

This bill:

- ▶ authorizes an entity to exercise eminent domain for:
 - a byroad leading from a highway to an existing or proposed residence, development, or farm; or
 - sewage service for an existing or proposed development; and
- ▶ makes technical corrections.

2nd Sub. S.B. 136 Open and Public Meetings Revisions Related to Review of Ethics

Complaints *(Sen. J. Valentine)*

This bill modifies provisions of the Open and Public Meetings Act.

This bill:

- ▶ authorizes the Independent Legislative Ethics Commission to convene a closed meeting without first commencing an open meeting and voting to close the meeting if:
 - the purpose of the meeting is to conduct business relating to the receipt or review of an ethics complaint; and
 - it provides advance public notice of the closed meeting;
- ▶ provides that an ethics committee of the Legislature may close a meeting by a majority vote of the members present if the committee is meeting for the purpose of reviewing an ethics complaint and the meeting is closed for the purpose of:
 - conducting deliberations to reach a decision on an ethics complaint; or
 - seeking legal advice on legal, evidentiary, or procedural matters; and
- ▶ makes technical changes.

S.B. 137 Coordination of Removing, Relocating, or Altering Utilities *(Sen. D. Liljenquist)*

This bill addresses the removal, relocation, or alteration of a utility facility to accommodate a construction or reconstruction project on a public highway.

This bill:

- ▶ defines terms;
- ▶ provides for notification and cooperation concerning utility facilities located in the area of a proposed construction or reconstruction project on a public highway;
- ▶ provides a method for a public agency to identify a utility company with a utility facility in the area of a proposed construction or reconstruction project on a public highway; and
- ▶ makes technical changes.

1st Sub. S.B. 138 Grama Revisions Related to Review of Ethics Complaints *(Sen. J. Valentine)*

This bill modifies provisions of the Government Records Access and Management Act that relate to classification of records associated with the review of legislative ethics complaints.

This bill:

- ▶ provides private status to certain records of the Independent Legislative Ethics Commission;
- ▶ requires the commission's summary data report to be public;
- ▶ provides that only records related to review of ethics complaints may be classified as private by a legislative ethics committee, unless those documents are classified as public under legislative rule; and
- ▶ makes technical changes.

1st Sub. S.B. 161 Real Property Transfer Fee Amendments *(Sen. M. Madsen)*

This bill enacts a provision relating to fees associated with the transfer of real property.

This bill:

- ▶ declares certain covenants, restrictions, agreements, and other instruments and documents that obligate a future buyer or seller to make a payment upon the transfer of real property to be void and unenforceable;

- ▶ provides for reinvestment fee covenants by common interest associations;
- ▶ requires a notice to be filed for a prior transfer fee covenant and for reinvestment fee covenants; and
- ▶ provides limits on the enforcement of a reinvestment fee covenant.

S.B. 189 Capital Facilities Amendments (*Sen. C. Bramble*)

This bill amends provisions regarding capital projects accounting and use of project reserve money.

This bill:

- ▶ requires the director of the Division of Facilities Construction and Management to account for reserve money accrued from state appropriated funds generated from bid savings and project residuals in separate accounts, one for capital improvement projects and one for capital development projects;
- ▶ allows the state building board to re-allocate bid savings and project residuals for approved capital improvement projects;
- ▶ provides for certain limitations and reporting of the transfer of funds between projects; and
- ▶ make technical changes.

S.B. 191 Governmental Accounting Amendments (*Sen. L. Hillyard*)

This bill modifies the name of certain funds in the Utah Code for governmental accounting purposes.

This bill:

- ▶ changes the name of certain funds to reflect the fact that they are actually restricted accounts within the General Fund;
- ▶ clarifies that money in a restricted account or fund does not lapse to another account or fund unless otherwise specified;
- ▶ addresses the disposition of money deposited into the Rural Health Care Facilities Account;
- ▶ provides that certain highway special revenue funds are within the Transportation Fund;
- ▶ provides that certain highway special revenue funds are within the Transportation Investment Fund of 2005;
- ▶ establishes the Transportation Investment Fund of 2005 as a major fund type in the Utah Code;
- ▶ provides that the Uniform School Fund is a special revenue fund within the Education Fund;
- ▶ deletes obsolete accounts; and
- ▶ makes technical changes.

S.B. 204 Midterm Vacancy Amendments (*Sen. B. McAdams*)

This bill amends a provision relating to a midterm vacancy in the Legislature.

This bill:

- ▶ defines "filing deadline" as the final date for filing a declaration of candidacy and a certificate of nomination;

- ▶ provides procedures for obtaining a position on the ballot for an office of senator, if a vacancy in the office occurs after the filing deadline but before September 1 of an even-numbered year in which the term of office does not expire;
- ▶ requires the lieutenant governor to:
 - provide notice of a vacancy; and
 - establish a filing deadline; and
- ▶ provides that a vacancy in the office of senator be filled for the unexpired term if the vacancy occurs on or after September 1 of an even-numbered year in which the term of office does not expire.

S.B. 216 Absentee Voting by Military Personnel Amendments *(Sen. B. McAdams)*

This bill modifies the Election Code by amending provisions related to overseas military absentee voting.

This bill:

- ▶ allows an overseas military voter to apply for an absentee ballot electronically;
- ▶ authorizes a county clerk to accept a ballot application for one general election instead of two general elections; and
- ▶ makes technical changes.

2nd Sub. S.B. 275 Removing Signature from Initiative and Referendum Petition *(Sen. H. Stephenson)*

This bill modifies the Election Code by amending provisions related to removing signatures from a statewide initiative and referendum petition.

This bill:

- ▶ repeals the requirement that a voter must submit a notarized statement to the county clerk to have the voter's signature removed from a statewide initiative or referendum petition;
- ▶ provides that to remove a voter's name from a statewide initiative or referendum petition, a voter shall sign a statement requesting removal, which includes the voter's address and identification information;
- ▶ requires a county clerk to deliver to the lieutenant governor a voter statement requesting removal of a voter's name from a statewide initiative or referendum petition;
- ▶ provides that the lieutenant governor, instead of the county clerk, remove the name of a voter who requests removal from a statewide initiative or referendum petition;
- ▶ provides that the lieutenant governor does not count a name removed from the petition; and
- ▶ makes technical changes.

1st Sub. S.B. 280 2010 General Obligation Bond Authorization *(Sen. L. Hillyard)*

This bill authorizes the issuance of general obligation bonds for certain capital facilities and modifies the terms for issuing bonds on existing capital improvement projects.

This bill:

- ▶ modifies existing language and dollar amounts on authorized costs and authorization caps to comply with current language and funding practices;
- ▶ removes the prerequisites for issuing and selling general obligation bonds for the Utah State University Agricultural Science Classroom Building capital facility project;

- ▶ modifies the bonding code by authorizing the issuance and sale of general obligation bonds by the State Building Commission for capital facilities;
- ▶ specifies the use of the general obligation bond proceeds and the manner of issuance; and
- ▶ provides expressions of legislative intent.

S.B. 282 Capital Facilities Appropriations (*Sen. C. Bramble*)

This bill appropriates money for capital facilities.

This bill:

- ▶ appropriates money for capital facilities.

S.C.R. 3 State Sovereignty Concurrent Resolution (*Sen. J. S. Adams*)

This concurrent resolution of the Legislature and the Governor reaffirms the sovereignty of the state of Utah under the Tenth Amendment of the United States Constitution.

This resolution:

- ▶ reaffirms the state of Utah's residuary and inviolable sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States; and
- ▶ strongly urges that all compulsory federal legislation that directs states to comply under threat of civil or criminal penalty or sanction or that requires states to enact legislation or lose federal funding be prohibited or repealed.

2nd Sub. S.J.R. 3 Joint Resolution on Ethics Complaint Procedures (*Sen. J. Valentine*)

This bill modifies the joint legislative rules that govern the receipt and review of an ethics complaint against a legislator.

This resolution:

- ▶ establishes an Independent Legislative Ethics Commission;
- ▶ establishes membership for the commission;
- ▶ provides qualifications for membership;
- ▶ provides term periods and replacement procedures for a member of the commission;
- ▶ provides for the resignation, removal, or recusal of a member of the commission;
- ▶ provides per diem for commission members;
- ▶ provides procedures for calling a meeting of the commission;
- ▶ requires the commission to prepare a public summary data report on an annual basis and requires that the report be submitted to a committee of the Legislature;
- ▶ provides for an independent staff to assist the commission;
- ▶ specifies the grounds upon which an ethics complaint may be filed against a legislator;
- ▶ provides certain time and jurisdiction limitations on filing an ethics complaint;
- ▶ establishes a general outline of hearing procedures for reviewing an ethics complaint;
- ▶ provides the chair of the commission or an ethics committee with the authority to direct proceedings and make rulings;
- ▶ permits a majority of the commission or committee to overrule certain decisions of the chair;
- ▶ provides subpoena powers to the commission and committees;
- ▶ provides procedures for issuing a subpoena;

- ▶ defines actions that constitute contempt of the Legislature in relation to procedures established under these rules;
- ▶ provides procedures for enforcing findings of contempt of the Legislature;
- ▶ provides general procedures for the examination of a witness;
- ▶ establishes permitted and restricted communications by commission and committee members during the period that an ethics complaint is under review;
- ▶ establishes rules that govern the payment of attorney fees and costs;
- ▶ establishes conduct requirements for an attorney appearing before the commission or a committee;
- ▶ provides procedures for filing an ethics complaint, including:
 - who may file a complaint;
 - restrictions on dates for filing a complaint;
 - the form of the complaint; and
 - information required to be included in the complaint;
- ▶ prohibits any person from disclosing the existence or contents of an ethics complaint while the commission is reviewing the complaint with certain exceptions;
- ▶ requires a complaint to be filed with the Senate or House Ethics Committee;
- ▶ changes the title of an ethics committee cochair to vice chair;
- ▶ modifies provisions for the recusal of an ethics committee member;
- ▶ requires the chair and vice chair of the committee to review the complaint for technical compliance with filing rules;
- ▶ requires a new complaint to be filed if the original complaint fails to meet filing requirements;
- ▶ requires the chair and vice chair of an ethics committee to forward a complaint that meets the filing requirements to the Independent Legislative Ethics Commission;
- ▶ provides that the commission shall conduct the original review of each ethics complaint;
- ▶ provides that commission meetings and hearings shall be closed to the public;
- ▶ permits the commission or an ethics committee to dismiss allegations that have previously been heard by the commission or an ethics committee;
- ▶ provides procedures for the commission to schedule a meeting to review an ethics complaint;
- ▶ permits the accused legislator, referred to as the respondent, to file a response to the complaint;
- ▶ establishes procedures and requirements for filing a response;
- ▶ permits the commission to hold meetings on preliminary matters in relation to a complaint before holding the formal review of the complaint;
- ▶ provides that the scope of the committee's authority is limited to review of those allegations contained in the complaint;
- ▶ provides procedures for the commission's review of the complaint;
- ▶ permits the commission to consult on certain issues with commission staff outside of the presence of parties and their counsel;
- ▶ prohibits third party recording of commission meetings, except under limited circumstances;
- ▶ requires that all portions of the commission's meetings be recorded;
- ▶ provides procedures for storing a record of commission meetings;

- ▶ provides that recordings and records of commission meetings are to be classified as private records under the Government Records Access and Management Act;
- ▶ provides procedures for the commission's deliberations when reviewing an ethics complaint;
- ▶ provides standards of evidence and voting procedures to be used by the commission in determining whether each allegation in a complaint is proved or not proved;
- ▶ requires the commission to dismiss allegations that are not found to be proved;
- ▶ if one or more allegation is found to be proved, requires the commission to:
 - refer the proved allegations to the Senate Ethics Committee or the House Ethics Committee; and
 - prepare a recommendation, a modified complaint, and a modified response for public release and submission to the ethics committee for review;
- ▶ provides procedures for the ethics committee's review of allegations submitted by the commission;
- ▶ provides that committee meetings for review of the allegations submitted by the commission are subject to the Open and Public Meetings Act;
- ▶ permits the committee to close the meeting for discussion of certain matters;
- ▶ prohibits third party recording of committee meetings, except under limited circumstances;
- ▶ requires that all portions of the committee's meetings be recorded;
- ▶ provides procedures for storing a record of committee meetings;
- ▶ provides procedures for the committee's deliberations;
- ▶ provides standards of evidence and voting procedures to be used by a committee in determining whether each allegation referred to the committee by the commission is proved or not proved;
- ▶ requires a committee to dismiss allegations that are not found to be proved;
- ▶ requires a committee to publicly issue a finding and order on the allegations;
- ▶ if one or more allegation is found to be proved, requires the committee to:
 - vote on a recommended consequence for the violation, including censure, expulsion, or denial of any of the respondent's rights or privileges; and
 - refer the finding and order to the membership of the House or Senate; and
- ▶ makes technical changes.

S.J.R. 5 Joint Resolution on the Spending of Federal Economic Renewal Grants (*Sen. K. Mayne*)

This joint resolution of the Legislature endorses the use of economic recovery monies to create jobs for Utahns and expresses a commitment to use these monies to purchase only products made or services performed in the United States.

This resolution:

- ▶ endorses the efforts of citizens and government to work to maximize the creation of American jobs and restore economic growth and opportunity by spending recovery plan funds on products and services that both create jobs and help keep Americans employed;
- ▶ expresses the Legislature's commitment to use any economic recovery monies provided to the state of Utah by American taxpayers to purchase only products and services that are made or performed in the United States whenever and wherever possible; and

- ▶ expresses support for publishing any requests to waive these procurement priorities so as to give American workers and producers the opportunity to identify and provide the American products and services that will maximize the success of the nation's economic recovery program.

S.J.R. 6 Joint Resolution - State Sovereignty and Tenth Amendment *(Sen. H. Stephenson)*

This joint resolution of the Legislature strongly urges Congress and the President to refrain from exercising authority related to the individual states beyond that granted by the states in the Constitution of the United States and declares the state's sovereignty under the Tenth Amendment to the Constitution.

This resolution:

- ▶ strongly urges the United States Congress to refrain from passing, and the President of the United States to refrain from issuing, any law or executive order that violates the United States Constitution;
- ▶ strongly urges the United States Congress and the President of the United States to repeal any current law or executive order that violates the United States Constitution;
- ▶ strongly urges the federal government to refrain from entering into any treaty that conflicts with any provision of either the United States Constitution or the Utah State Constitution or that abridges the rights of the people as expressed in the United States Constitution;
- ▶ strongly urges the United States Congress to prohibit or repeal any compulsory federal law that directs states to comply under threat of civil or criminal penalties or sanctions or requires states to pass legislation or lose federal funding;
- ▶ strongly urges the federal government, as the agent of the people of the state, to immediately cease and desist issuing mandates that are beyond the scope of constitutionally delegated powers;
- ▶ strongly urges all other states to join in a commitment to confine federal power to its constitutional limitations and restore the powers of the people and of the states; and
- ▶ declares sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States.

S.J.R. 19 Joint Rules Resolution on Ethics Complaints *(Sen. J. Valentine)*

This bill modifies provisions of the joint legislative rules that govern the receipt and review of ethics complaints.

This resolution:

- ▶ provides procedures for the submission and technical review of legislative ethics complaints and their compliance with form and content requirements;
- ▶ provides that allegations that have been previously heard by the commission or an ethics committee may be dismissed by the Independent Legislative Ethics Commission at the time of the chair's initial review of the complaint for technical compliance or during review of the complaint by the commission;
- ▶ requires that ethics complaints be filed with the Independent Legislative Ethics Commission rather than the chair and vice-chair of the Senate or House legislative ethics committee; and

- ▶ provides that the chair of the Independent Legislative Ethics Commission performs the review of an ethics complaint for technical compliance rather than the chair and vice-chair of the Senate or House legislative ethics committee;
- ▶ requires the chair of the commission to provide notice of a filing of an ethics complaint to the Speaker of the House of Representatives or the President of the Senate and to the chair and vice-chair of the House or Senate legislative ethics committee, but requires that the filing remain confidential until publicly disclosed by the commission; and
- ▶ makes technical changes.

* Indicates bills recommended by the Government Operations and Political Subdivisions Interim Committee during the 2009 interim (5 out of 6 bills passed) (One of the five that passed was vetoed)

** S.B. 22 was vetoed by the governor.